

VIRGINIA:

IN THE CIRCUIT COURT OF TAZEWELL COUNTY

JOHN RIFE
Plaintiff

v.

TRACTOR SUPPLY COMPANY
Serve Registered Agent: CT CORPORATION SYSTEM
4701 COX RD.
SUITE 285
GLEN ALLEN, VA 23060

Defendant.

At Law: CL 21-450

Received and filed in Tazewell County,
Virginia Circuit Court Clerk's Office.

This the 22 day of Mar., 2021
Time 11:30 A.M.

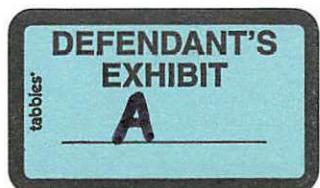
TESTE: Heather Barrett
Clerk, Deputy Clerk

COMPLAINT

(Negligence – Premises Liability)

NOW COMES the Plaintiff JOHN RIFE, by counsel, Shari Cohen Boscolo, and CHASENBOSCOLO INJURY LAWYERS, and moves this Court for a Judgment against the Defendants TRACTOR SUPPLY COMPANY, and in support thereof states as follows:

1. The Plaintiff JOHN RIFE (hereinafter "Mr. Rife") is an adult resident of the Commonwealth of Virginia.
2. Upon information and belief, Defendant TRACTOR SUPPLY COMPANY(hereinafter "Defendant Tractor Supply Co") is a Tennessee company authorized to do business in the Commonwealth of Virginia; and owns real property in the Commonwealth of Virginia, including at or near 12966 Gov. GC Peery Hwy., Pounding Mill, Virginia, 24637 (hereinafter "the Premises").
3. The events that give rise to this action occurred in TAZEWELL COUNTY, Virginia.
4. On or about April 13, 2019, Mr. Rife was shopping in the Premises, which operates as a retail outlet.
5. On or about April 13, 2019, Mr. Rife slipped and fell in one of the aisles of the Premises, causing him severe injury.



6. The cause of Mr. Rife's fall at the Premises on or about April 13, 2019 was loose dog food, which had fallen onto the floor
7. Upon information and belief, Defendant cleans and maintains the floor in the aisle where Mr. Rife fell.
8. Upon information and belief, Defendant had failed remove the loose dog food from the floor of the aisle in which Mr. Rife fell.
9. Upon information and belief, Defendant had failed to warn Mr. Rife of any loose dog food on the floor of the aisle in which Mr. Rife fell.
10. Upon information and belief, the aforementioned hazard on the floor was placed there by the Defendant.
11. Upon information and belief, the Defendant was aware of the aforementioned hazard and chose not to correct it.
12. Upon information and belief, the Defendant was aware of the aforementioned hazard and chose not to warn about it.
13. Upon information and belief, the aforementioned hazard on the floor was a cause of Mr. Rife's slip and fall.
14. Upon information and belief, the Defendant's failure to warn of the aforementioned hazard on the floor was a cause of Mr. Rife's slip and fall.
15. At the aforesaid time and place, Defendant Tractor Supply Co including their agents, servants and employees, owed Mr. Rife duties to use ordinary care in maintaining the premises under its control in a reasonably safe condition. These duties included, but was not limited to, inspecting, maintaining, and repairing the premises. These duties further required Defendant to correct any dangerous and defective conditions which existed on the subject premises and to warn persons such as Mr. Rife of any dangerous and defective conditions of which they were aware or which they reasonably should have been aware.

16. At the aforesaid time and place, Defendant Tractor Supply Co, including their agents, servants and employees, breached these duties when, with full knowledge, they failed to correct a known defective condition. Defendant Tractor Supply Co, and/or their agents, servants and/or employees, chose not to remediate, remove, or prevent from forming the loose dog food slipping hazard in the aisles at the Premises, at the particular area at which Mr. Rife fell. This choice exposed Mr. Rife to a dangerous and defective condition. Defendant Tractor Supply Co further breached these duties by choosing not to warn Mr. Rife of the dangerous and defective conditions which existed on the premises.
17. As a direct and proximate result of Defendant's multiple breaches of duties, Mr. Rife was injured when he fell at the above premises.
18. As a direct and proximate result of Defendant's choices, breaches of duty and negligence, Mr. Rife suffered severe, permanent, and uncompensated harms and losses. These harms and losses include past, present, and future physical symptoms, immobility, isolation and diminished capacity to perform the activities of daily living and enjoy life. These harms and losses caused and continue to cause Mr. Rife to expend great sums of money for hospitals, physicians, and related care and treatment. Mr. Rife endured and continues to endure mental and emotional harms and losses, including frustration, fright, shock and anguish. Further, these injuries have caused and will continue to cause Mr. Rife to lose wages and wage earning opportunity.
19. Plaintiff JOHN RIFE neither contributed to the negligence which caused his injuries, nor assumed the risk of the injuries sustained.

STATEMENT OF CLAIMS

COUNT I

(NEGLIGENCE - DEFENDANT TRACTOR SUPPLY CO. LLC.)

20. Mr. Rife incorporates the allegations of paragraphs one through nineteen (19) above and, in addition, avers that Defendant Tractor supply Co.'s choices constitute negligence which harmed Mr. Rife, justifying an allowance of money damages against Defendant Tractor Supply Co.

WHEREFORE, Mr. Rife demands judgment against Defendant Tractor Supply Co., LLC, and prays that damages be awarded in the amount of ONE MILLION DOLLARS (\$1,000,000.00) plus interest from the date of incident on which this claim is based, court costs and such other and further relief as this Court deems proper, including pre-judgment and post-judgment interest.

A TRIAL BY JURY IS REQUESTED IN THIS MATTER.

Respectfully submitted,
JOHN RIFE
By Counsel

Shari Cohen Boscolo, Esq. (VSB #96272)
CHASENBOSCOLO Injury Lawyers
7852 Walker Dr.
Suite 300
Greenbelt, MD 20770
(301) 220-0050 (p)
(301) 474-1230 (f)
scboscolo@chasenboscolo.com
Counsel for Mr. Rife



WEB ADDRESS
www.CHASENBOSCOLO.com

ADMITTED TO PRACTICE IN MARYLAND, VIRGINIA AND THE DISTRICT OF COLUMBIA:
• MARYLAND • DISTRICT OF COLUMBIA • VIRGINIA
• PENNSYLVANIA • MASSACHUSETTS • NEW YORK • ONTARIO CANADA

6402 ARLINGTON BLVD, #600
FALLS CHURCH, VA 22042
TELEPHONE (703) 538-1138
TELECOPIER (703) 538-2774

7852 WALKER DR, #300
GREENBELT, MD 20770
TELEPHONE (301) 220-0050
TELECOPIER (301) 474-1230

3010 CRAIN HWY. # 301
WALDORF, MD 20601
TELEPHONE (301) 645-1155
TELECOPIER (301) 645-5260

12 WEST MONTGOMERY ST. #206
BALTIMORE, MD 21230
TELEPHONE (800) 728-5898
TELECOPIER (301) 474-1230

Reply electronically to sender's e-mail address or records@chasenboscolo.com

BARRY M. CHASEN*+
BENJAMIN T. BOSCOLO*+■
THOMAS TEODORI*+
MATTHEW J. PEPPER*+■
MICHAEL D. REITER*+■
JOHN T. EVERETT*+

SENIOR COUNSEL
GERALD HERZ*+ ret
SHARI COHEN BOSCOLO*+
MELIHA PÉREZ HALPERN*+■

KEVIN H. STILLMAN*+
KRISTA N. DESMYTER*+■
DAVID J. KAPSON*+■
DAVID M. SNYDER*+■
SHAKETTA A. DENSON*+
ROBERT A. GARZA*
PATRICK C. STEWART*+
BRITTANY E. PERRY*+
ALICIA L. KIMI*+■

MONIQUE L. LEE*+
CAMERON S. THOMPSON*
ALEXANDER R. ROGOZA*
CASEY DUCHESNE*+
MELODY M. HAYNES*+
KYLE J. SHOEMAKER*+
ASHLEY STRANDJORD*+■
EVA N. KALMAR*+■+■
MICHAEL E. DUNCANSON■

VICTORIA BURNETTE*

March 15, 2021

Circuit Court for Tazewell County, Virginia
Clerk, Civil
135 Court St.
Suite 202
Tazewell, Virginia 24651

Re: John Rife v. Tractor Supply Company, LLC
New Case Filing

Dear Clerk of the Court:

Please find enclosed for filing Plaintiff John Rife's Complaint and Discovery Requests for the above referenced action. Also enclosed is a check #1275 made payable to the Clerk of the Court for \$356.00 representing the required filing fee. Please date stamp and return one copy of the complaint and discovery in the pre-addressed, pre-stamped envelope.

Kindly prepare a summons along with a date stamped copy of the complaint and discovery for pick up by *The Virginia Sheriff's office* for personal service on Defendant Tractor Supply Company, LLC

CT CORPORATION SYSTEM
4701 COX RD. SUITE 285
GLEN ALLEN, VA 23060

Thank you for your kind cooperation and please call if you have any questions.

Very truly yours,

Shari Cohen Boscolo, Esq.

Received and filed in Tazewell County
Virginia Circuit Court Clerk's Office
This the 22 day of Mar. 2021
Time 11:30 A. M.

Enclosures: as stated
TESTED:
Clerk, Deputy Clerk

Heather Barrett

VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF TAZEWELL

JOHN RIFE,

Plaintiff,

v.

Case No. CL21-450

TRACTOR SUPPLY COMPANY,

Defendant.

**DEFENDANT TRACTOR SUPPLY COMPANY'S
ANSWER TO THE COMPLAINT**

COMES NOW, Defendant Tractor Supply Company, by counsel, and states as follows for its Answer to the Complaint filed by Plaintiff John Rife.

1. Upon information and belief, Tractor Supply Company admits the allegations contained in Paragraph 1 of the Complaint.
2. In response to the allegations in Paragraph 2 of the Complaint, Tractor Supply Company states that it is a corporation organized under the laws of the state of Delaware with its principal place of business in the state of Tennessee. Tractor Supply Company further states that it operates at Tractor Supply Company store located at 12966 Gov. GC Peery Highway, Pounding Mill, Virginia 24637. All other allegations contained in Paragraph 2 of the Complaint not specifically admitted herein are denied.
3. In response to the allegations in Paragraph 3 of the Complaint, Tractor Supply Company admits that the store located at 12966 Gov. GC Peery Highway, Pounding Mill, Virginia 24637, is located in the County of Tazewell, Virginia. All other allegations contained in Paragraph 3 of the Complaint, not specifically admitted herein are denied.

4. Upon information and belief, Tractor Supply Company admits the allegations in Paragraph 4 of the Complaint.

5. Tractor Supply Company denies the allegations contained in Paragraph 5 of the Complaint.

6. In response to the allegations in Paragraph 6 of the Complaint, upon information and belief, Tractor Supply Company denies that Plaintiff fell while on the premises on April 13, 2019. Tractor Supply Company specifically denies that Plaintiff's alleged fall was due to any negligence on behalf of Tractor Supply Company. All allegations contained in Paragraph 6 of the Complaint not specifically admitted herein are denied.

7. In response to the allegations in Paragraph 7 of the Complaint, Tractor Supply Company states that it maintains the premises located at 12966 Gov. GC Peery Highway, Pounding Mill, Virginia 24637.

8. Tractor Supply Company denies the allegations in Paragraph 8 of the Complaint.

9. Tractor Supply Company denies the allegations in Paragraph 9 of the Complaint.

10. Tractor Supply Company denies the allegations in Paragraph 10 of the Complaint.

11. Tractor Supply Company denies the allegations in Paragraph 11 of the Complaint.

12. Tractor Supply Company denies the allegations in Paragraph 12 of the Complaint.

13. Tractor Supply Company denies the allegations in Paragraph 13 of the Complaint.

14. Tractor Supply Company denies the allegations in Paragraph 14 of the Complaint.

15. The allegations in Paragraph 15 of the Complaint constitute legal opinions and/or conclusions to which no response is required. To the extent a response is required, Tractor Supply Company denies the allegations in Paragraph 15 of the Complaint.

16. The allegations in Paragraph 16 of the Complaint constitute legal opinions and/or conclusions to which no response is required. To the extent a response is required, Tractor Supply Company denies the allegations in Paragraph 16 of the Complaint.

17. Tractor Supply Company denies the allegations in Paragraph 17 of the Complaint.

18. Tractor Supply Company denies the allegations in Paragraph 18 of the Complaint.

19. The allegations in Paragraph 19 of the Complaint constitute legal opinions and/or conclusions to which no response is required. To the extent a response is required, Tractor Supply Company denies the allegations in Paragraph 19 of the Complaint.

20. In response to Paragraph 20 of the Complaint, Tractor Supply incorporates and references its answers to Paragraphs 1 through 19 of the Complaint. Tractor Supply Company further, denies any and all other the allegations contained in Paragraph 20 of the Complaint.

21. Tractor Supply Company denies the allegations in the WHEREFORE paragraph of the Complaint.

22. Tractor Supply Company denies all allegations not specifically admitted herein.

23. Tractor Supply Company denies that it committed any act of negligence that was a proximate cause of Plaintiff's claimed damages.

24. Tractor Supply Company denies that it is liable to Plaintiff in any amount for any cause whatsoever.

25. Tractor Supply Company denies that Plaintiff has been damaged in the amount or to the extent alleged in the Complaint.

26. Tractor Supply Company intends to rely upon any and all proper and provable affirmative defenses, including but not limited to assumption of risk and contributory negligence, that are supported by further investigation, discovery, or the presentation of evidence.

27. Tractor Supply Company reserves the right to amend this Answer to the extent it is supported by further investigation, discovery, or the presentation of evidence.

WHEREFORE Defendant Tractor Supply Company, by counsel, requests that the Complaint be dismissed with prejudice and that it be awarded all costs associated with its defense of this action.

TRACTOR SUPPLY COMPANY

By Counsel

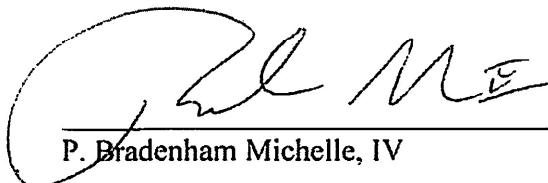


John R. Owen (VSB No. 39560)
Elizabeth O. Papoulakos (VSB No. 89468)
P. Bradenham Michelle, IV (VSB No. 92406)
Harman, Claytor, Corrigan & Wellman
P.O. Box 70280
Richmond, Virginia 23255
804-747-5200 - Phone
804-747-6085 - Fax
jowen@hccw.com
epapoulakos@hccw.com
bmichelle@hccw.com

C E R T I F I C A T E

I hereby certify that a true copy of the foregoing was sent via email and U.S. Mail this 14th day of April, 2021 to:

Shari Cohen Boscolo, Esq.
ChaseBoscolo Injury Lawyers
7852 Walker Dr., Suite 300
Greenbelt, MD 20770
301-220-0050 - Phone
301-474-1230 - Fax
scboscolo@chasenboscolo.com



P. Bradenham Michelle, IV